



Mayor and Council Meeting Work Session Minutes November 7, 2011 6PM

The Riverdale Mayor and City Council met on November 7, 2011 at 6PM for the purpose of conducting a special session. The meeting was held in the conference room on the second floor at City Hall, located at 7200 Church Street, Riverdale, Georgia 30274.

Call to Order and Welcome

With a quorum present, Mayor Evelyn Wynn-Dixon called the meeting to order at 6PM.

Roll Call

All members of the governing body were present.

Approval of the Agenda

The following amendments were made to the agenda:

Addition(s): None.

Deletion(s): None.

Postponement(s): None.

Tabled Item(s): None.

The agenda was approved by general consensus.

Mayor Evelyn Wynn Dixon advised the board that a special called meeting was required in order for the Mayor & Council to appoint someone to fill the unfinished term of the late Council Member Wayne F. Hall. She further advised the board that Council Member Kenny Ruffin would be attending the National League of Cities Conference and in his absence, there would be no quorum in the event it was necessary to call a meeting.

RESOLUTION NO. 57-11-2011-Resolution Declaring Ward 2 Vacant

A RESOLUTION OF THE RIVERDALE MAYOR AND COUNCIL TO DECLARE VACANT THE SEAT OF COUNCIL MEMBER WAYNE F. HALL, WARD 2; AND TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Ms. Stephanie L. Thomas, City Clerk, explained that the purpose of the Resolution was to declare the seat of the late Wayne Hall as vacant. She indicated that the charter authorizes the Mayor and Council to appoint a qualified resident to fill the unexpired term. She further indicated that prior to making an official appointment, the seat needed to be declared vacant.

Ms. Thomas continued that the nominee would have to meet the same requirements that are set forth during the qualifying period.

Mayor Dixon called for questions and concerns from the members of the governing body.

Council Members Wallace and Ruffin did not have any questions.

Council Member Stamps-Jones voiced that she did not understand what was being conveyed to the governing body. She asked Ms. Thomas if the nominees would have to undergo a qualifying process based on the requirements set forth in the charter. She also asked Ms. Thomas to clarify if the purpose of the first resolution was to declare Mr. Wall's seat vacant. She said Ms. Thomas had printed the qualifications of candidacy for a reason; therefore, will there be a time limit placed on the process.

Ms. Thomas indicated that the governing body could proceed with making an appointment; however, she reiterated that all nominees would have to be eligible to hold office in Riverdale. She further indicated that she was unaware of the number of nominations that would be submitted; however, she wanted to be sure that the members of the governing body were aware of the qualifications. She said once the nominations are made, she would move forward with the qualifying process.

Council Member Stamps-Jones inquired about the length of time it would take Ms. Thomas to complete the qualifying process.

Ms. Thomas reiterated that she would commence the process once the nominations were submitted. She added that the appointment could be made contingent upon the outcome of the qualifying process. Ms. Thomas stated that the information could be verified within one (1) business day.

Council Member Ruffin asked what would happen if the person appointed does not meet the qualifications.

Ms. Thomas responded that the Mayor and Council would have to make another appointment.

Motion: Council Member Kenny Ruffin moved to adopt Resolution No. 57-11-11. Council Member Wanda Wallace offered the second. The measure was adopted unanimously by a vote of 3/0.

RESOLUTION NO. 58-11-2011 Appointment to fulfill the unexpired Term of the Late Wayne Hall, Councilman, Ward 2.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RIVERDALE, GEORGIA, APPOINTING AN'CEL DAVIS TO FILL THE UNEXPIRED TERM OF THE LATE WAYNE F. HALL, COUNCIL MEMBER, WARD 2.

Mayor Dixon called for questions and concerns from the members of the governing body.

There were none.

Mayor Dixon called for nominations.

Council Member Wallace and Stamps-Jones nominated Ashley Holmes.

Council Member Ruffin nominated An'Cel Davis.

Mayor Dixon asked Mr. Holmes about his status as a sitting member on the City's Planning Commission.

Mr. Holmes responded that he had not yet resigned.

Mayor Dixon said she was unsure if Mr. Holmes could fulfill the unexpired term and simultaneously serve on the Planning Commission. She recalled that she resigned from the Downtown Development Authority prior to qualifying to hold a public office. She said Council Member Ruffin had advised her that it was required by that a person resigns from the city advisory board prior to qualifying for office.

Ms. Thomas confirmed that although the City Charter does not set forth such a provision; state law provides guidance as it relates to matters of serving in an elected and/or appointed position.

Mayor Dixon asked if Mr. Holmes could be appointed during the meeting if he were to submit his resignation.

Mr. Holmes asked for permission to speak.

Mayor Dixon turned the floor over to Mr. Holmes.

Mr. Holmes stated that although he is more than willing to serve the citizens of Riverdale by completing the ensuing term, he does not have any intentions of resigning from the Planning Commission. He said he was elated to have been offered the opportunity; however, if it presents a problem, he does not want to move forward with it. He further said that he would be more than happy to step aside and allow someone else to fill the position.

Councilmember Wallace: "Can I say something please also? Just a few years ago I took a planning and zoning class and it was stated that it would not be a conflict- that if a person sitting on two boards, 'long as there is nothin' he voted on. Just say if a business person come to him and we voted on something. He would have to excuse himself. So yeah, there's a planning and zoning I think there's a class that was taken, if I'm not mistaken. I think me and Mr. Hall had this same conversation, too. To where he do not have to act 'cause he only filling an unexpired term...[inaudible] yeah, yeah and we might wanna check the GMA."

Ms. Thomas responded that she was unaware of such a provision in the law.

Councilmember Stamps-Jones: "I have a question. When you (Stephanie Thomas) call me, when it was first presented that...we needed an appointee, my whole focus was, 'Let the process runs itself.' What is the process? The process is the electoral [sic.] process that will take place on November 8th. I don't know Mr. An'cel (Davis) and just like everyone sitting at this table they qualified to run and be hopefully appointed by the constituents of the City. The process itself is in effect. The vote will be cast tomorrow-only if there's one vote. The untimely death of Mr. Hall was something none of us saw coming, but there are processes and procedures that we need to maintain. And- what? We have three weeks left or something? What? Three more meetings or something? Where we just need to fill that position as our responsibility to have a quorum. Now with that being said...when it was first brought to me to say who the appointee was I had no idea who I wanted to choose because I was still in somewhat of a shock that one of our councilmembers were down. But I did speak with you, Ms. Thomas and you- and I gave you my appointee. I'm asking you at this point in time when I stated who my appointee would be simply because this person is already serving in some capacity and they know what we're doing- at that point in time, did you (Stephanie Thomas) verify...[inaudible] 'xcuse me...at that point in time did you verify to see whether or not he needed to...'cause there was a conflict where we say, 'You call, I call, who would call?' To see whether or not he (Ashley Holmes) needed to resign and if therefore we get to this day, because the mayor, she graciously waited for us to get to this day. What steps did you take to make sure everything was in order for us to get to this place, so we don't have to delay it any further?"

Ms. Thomas responded no. She added that she did not conduct any research in that she had conveyed to Council Member Stamps-Jones that Mr. Holmes would have to resign from the Planning Commission. She reminded Council Member Stamps-Jones that during their conversation, she advised her that the governing authority would have to find a replacement for Mr. Holmes as well.

Council Member Stamps-Jones asked if it was for her to tell him that.

Ms. Thomas reminded Council Member Stamps-Jones that during their conversation, she was told that Mr. Holmes was willing to resign from the Planning Commission.

Council Member Stamps-Jones responded: "Okay...Mr. Holmes clearly made it clear- and this is not an argument. This is just the process of what us trying to handle the business. He clearly said, 'It would be an honor to temporarily step in.' I asked you (Stephanie Thomas): 'Would he still be able to maintain his position on the planning and zoning.'" You said, 'It should not be a problem.' That's a problem? When did it become a problem?"

Ms. Thomas said no. She clarified that Council Member Stamps-Jones' concern was not that Mr. Holmes be allowed to serve on the board; however, how he would get back on the Planning Commission after he completes the unfinished council term. She further explained to Council Member Stamps-Jones clarified that her reply was not in response to Mr. Holmes simultaneously serving on two (2) boards; however, it was in response to him being reappointed to the Planning Commission. She reminded Council Member Stamps-Jones that the decision to reappoint Mr. Holmes would be made by the Mayor and Council and it should not be a problem getting him reappointed to the Planning Commission.

Council Member Stamps-Jones said that she does not recall having that conversation with Ms. Thomas. She asked if it would be a problem for Mr. Holmes to serve on both boards.

Ms. Thomas said yes.

Council Member Stamps-Jones responded: "What would the problem be? The problem would be-."

Ms. Thomas explained that pursuant to state law, a person cannot serve in an appointed and elected capacity in the same municipality. She further explained that the members of the governing body provide oversight to the city's advisory boards and it would present a conflict for a person to do both. She reiterated that although the action being

taken was to appoint a person, the appointment was being made to serve in an elected capacity; therefore, the person would not be eligible to serve on an advisory board.

Council Member Stamps-Jones responded: "Is that something that the City of Riverdale holds close to...the process that we hold or is that a state (law)?"

Ms. Thomas reiterated that it was state law.

Council Member Stamps-Jones: "Okay, I just spoke to someone today that is...on the board and on the commissioners...here in Clayton County. They're serving on two boards and have served for years. So how is that possible? Within Clayton County that person is serving on two boards and then you're saying that the state. I'm just trying to understand..."

Ms. Thomas asked if the person serves on both boards in an appointed capacity.

Council Member Stamps-Jones responded: "Appointed."

Ms. Thomas said it is acceptable for a person to serve in any number of boards in an appointed capacity.

Council Member Stamps-Jones responded: "This is not an elected position. The Mayor clearly said that we needed to appoint someone."

Ms. Thomas reiterated that although the action being taken was to appoint a person, the person would serve in an elected position. She said the two are quite different. By way of example Ms. Thomas said that she is an appointed official; therefore, she cannot serve on council. She said Mr. Holmes could serve on two advisory boards; however, he cannot serve as a Riverdale appointed and elected official simultaneously.

Council Member Wallace interjected: "But he's not being elected by the people. He's just being appointed to fill out a term. I mean, otherwise then we need to change this resolution, then. If he gonna be elected and then and let it go. And let the people of the City of Riverdale then elect him and not be appointed by us to mayor and council. I mean, 'cause this is the wording or whatever."

Mayor Dixon called a point of order as a result of everyone attempting to talk at once.

Mayor Dixon said that her understanding of the discussion was that a person cannot simultaneously serve in an elected and appointed position in the City. She asked Ms. Jessie to offer additional comments.

Ms. Jessie said the only reference she could recall was when Jessie Goree resigned from a city advisory board upon running for office.

Council Member Wallace interjected: “We had to make her resign. She didn’t just up and resign after she won her position. For as being- when she won she was elected and she won. That’s when she came off the board.

Mayor Dixon responded that she and Ms. Goree submitted their resignations around the same time. Mayor Dixon added that the discussion was moving away from the intent of the meeting. She said an appointment needed to be made and the city clerk has provided guidance on how the process should take place. She called for a motion.

Councilmember Stamps-Jones interjected and stated that she would like to hear from Mr. Davis.

Mr. Davis strongly communicated that he does not like to waste time. He said he does not want to add his voice to the discussion unless it mattered. He said it only makes sense for him to be appointed to fill the unexpired term so that he can become acclimated before his appointment in January. He said the city clerk is paid to know what the process is; therefore, he respects the advice she offered and believes that perhaps the charter needed to be updated.

Mr. Davis said that although the rules may need to be changed the referee has already made them clear. He further stated that the players cannot serve as referees because the game would be unequivocally unfair.

Councilmember Wallace: “Well, this is the problem that I think I’m having tonight: with the conversation you (Councilmember Stamps-Jones) and Ms. Thomas had. I think that Ms. Thomas if you knew she wanted to ‘point Mr. Hall...Bottom line, I think this is more kinda like a play game with the referee we have here knowing who’s gonna win the game and they waited til this came tonight to where if you (Stephanie Thomas) and Cynthia had this conversation and stuff. ‘When really you should’ve said, ‘Well, okay, let me find out definitely what is going on here.’ Do he (Ashley Holmes) really need to step down? [Inaudible]...clarification, bottom line and stuff you know and I do agree with you, Mr. Davis- to get caught up and everything. But I know speaking to Ms. Jessie and she said Mike have a lot of things that need to come forward. I know Ashley (Holmes) have serve on a lot of different- but we have set the grounds. I think you was at a meeting. The only thing that need to be voted on. I think, personal, what Stephanie (Thomas) should’ve done was came and got with her. ‘Told her, ‘Okay, Ashley did not wanna step down.’ Then everything could’ve been brought to you, getting you up-to-date. ‘Making sure when you make the right vote, the decision to make from your heart. Let me finish. I think to where this was like a play game, we playing here tonight. ‘To

where Ashley could've stayed on his work or whatever needed to be down. This meeting really could've been like, you know, a phone call. Go 'head and put Mr. Davis in. We know he 'gone win the election. To me it's a waste of time tonight to where we done went through all this right here. And basely, we didn't even have to could've have been here tonight. Councilman Ruffin...could've went on and got his packing and stuff. Mr. Davis it should've been a call. Whoever ya'll wanna put in office and stuff."

Mayor Dixon called a point of order. She expressed that she carried no preference or bias toward any particular candidate and/or possible appointee, making a point to dispel any notion that there had been any discussion prior to the special session that might have created a favorable advantage for any candidate. Madam Mayor solicited further understanding from the City Clerk regarding the laws governing elections and appointees. The City Clerk obliged, elucidating the requirements, restrictions and relationships of candidates and their existing roles on governing boards. She went on to urge the council to "continue with the business of the city."

Councilmember Wallace: "Well, thank you (Mayor Dixon) for your speech...comment...whichever one you wanna put it, but that's how I felt tonight because like I said, (Stephanie Thomas)- you know, when you had called on the fourteenth, I said, 'Well, you know. Let's give Mr. Hall respect.' Wait or whatever. We got a email. I think when I checked mine on Wednesday that's when we found out that Mr. Ruffin said he gone be leaving town or whatever. You guys, Ashley, Mr. Davis, whoever you guys wanted to appoint. My thing is, the conversation was there. Both of 'em (Councilmember Stamps-Jones and Stephanie Thomas) said they had the conversation. Bottom line. Me and Iris (Jessie) had a conversation: one vote. He's in office and stuff. If we knew this right here. Phone call. Go 'head and bring Mr. Davis in. Let's move on...[inaudible] I just felt Mr. Holmes. Why I thought he would've been good candidate 'cause he's already been updated, with planning and zoning, what is gonna bought here, with what Mr. Syphoe got to present to us. Just all the other stuff we got going- planning, zoning with the next three meetings and all. That's why I felt that then Mr. Davis could come on and get all he needed to get caught up."

Mayor Dixon reminded council that Ashley Holmes had declined to go any further in the appointment process due to his prior responsibilities as a board member of planning and zoning. She opened the floor to Mr. Holmes to speak, after which Councilmember Stamps-Jones interjected: "I really wanna say something. I really do, 'cause I need clarification and then we can just really put this whole thing to rest. If I could just have that moment."

Councilmember Wallace began to speak [inaudible]. Mayor Dixon motioned for a point of order.

Councilmember Stamps-Jones resumed: "Okay, I just need to know the purpose of why we're here and why did you (Stephanie Thomas) ask me for who I wanted to appoint when I randomly chose my choice and took the initiative to contact Mr. Holmes, called you immediately back, told you what he said: 'I would love to serve, but I want to make sure I can remain on the planning and zoning after Mr. Davis is sworn in in January.' You said to me: 'That should not be a problem.' The problem that I'm having...in the conversation while it's taking so long today, Ms. Thomas, is that when I said to you he was willing to do that and we concluded our conversation. At that point in time, in my mind, your job is to get the necessary paperwork in order or call this young man and let him know: 'You (Ashley Holmes) have been nominated to be possibly appointed to fill Mr. Hall's seat.' I'm already tell you this. That is not my job to say. I don't know the city clerk job. I don't know the election process. I'm not gonna sit here and pretend that I do. But if you're gonna say he needed to have resigned before the day that's your responsibility. That's not my responsibility. So to come to this table today, I agree with Mr. Davis. It's a waste of all of our time. Because we all have our own opinions. We all can chose who we want to chose. They could've chose 'loddy, doddy, anybody,' but at the end of the day everyone should've came prepared, ready to make a decision. And so therefore you left me. I feel like you left me hanging where you have him (Ashley Holmes) here. 'Where he clearly said, 'I wanna continue to serve in any capacity.'" Just like the rest of us, but you placed me...and him in a precarious position where we can't even vote. I'm choosing not to vote tonight and...if my vote don't vote it's because you didn't follow what you needed to do."

After an inaudible exchange, Mayor Dixon called a point of order and proceeded to open the floor up to Mr. Holmes to comment. Mr. Holmes advised that he does not desire to go any further in the appointment process and would continue his post as board member of planning and zoning. He then bid Mr. Davis well wishing in his new position as councilmember.

Stephanie Thomas recapitulated the content of her conversation with Councilmember Stamps-Jones. She went on to reemphasize her commitment upholding honest practices. Councilmember Stamps-Jones began to rebuttal and Mayor Dixon denied it, motioning for point of order. Councilmember Stamps-Jones ignored the motion: "So you (Stephanie Thomas) know where we're coming from, I'm fine with that. It's just what I'm saying is- I'm sorry (to Mayor Dixon)- but I'm saying to appoint he should have been told he needed to resign."

Mayor Dixon motioned for another point of order, then offered Councilmember Wallace one final question. Councilmember Wallace: "...Can we actually have the city attorney, I guess, to find where in the charter."

Mayor Dixon explained that everything had been explained in an email and that they would motion to appoint. Councilmember Wallace retorted: "I just wanna know as far as like, do could a person serve two positions like we doing here? 'Cause like I said, at GMA one year, when I took a planning and zoning class, I didn't see no where in the charter or whatever, or read about it. This is the first time, so I guess maybe, you know, just to make sure we doing the right thing, does he have to resign from [inaudible]?"

Mayor Dixon restated that Mr. Holmes would be required to resign.

Councilmember Wallace: "Where is it at in the charter?"

Stephanie Thomas advised that it was not stipulated in the charter, but rather it is state law. She offered to retrieve the documents explaining the policy.

Councilmember Wallace: "Yeah. I mean, if you got it. I mean if you knew about it."

Ms. Jessie advised that the notion of Ms. Thomas informing Mr. Holmes to resign from his position prior to the meeting would have been ill advised in that the gesture in and of itself implies surety of the appointment.

Councilmember Wallace interjected: "I don't think as far as just like acknowledging him to give him information, 'If you (Ashley Holmes) want to take this seat or whatever.'"

Mayor Dixon advised Councilmember Wallace to allow Ms. Jessie to finish speaking. Ms. Jessie explained that in informing Mr. Holmes there would have been a presumption that she was aware of who would be nominated to fill the unexpired term of Mr. Hall.

Mayor Dixon recounted conversations with Councilmembers Ruffin and Wallace during which she advised that the logical choice to fill Mr. Hall's unexpired term was Mr. Davis, so that he could become acclimated to his new role prior to being inaugurated. She recalled Councilmember Stamps-Jones being too distraught to make any nominations.

Councilmember Wallace rebutted: "But again, this is what I'm saying. If there was a conversation between those two about Mr. Holmes that's all she had to do was say, 'Okay, let me see if he do need to come off the board.' You know, so, that's all what I'm saying. I'm like this right here. When the mayor called me I said...'Let's get passed this. Even you (Iris Jessie) and I talked. I don't have a problem with Mr. Davis or whatever, but like I was thinking after you was saying all this stuff we needed to get voted on and to get passed. Why I started thinking about Ashley knowing that we have sat at these roundtables together. He's aware of everything thing Mike needs to bring. That was why I was looking at everything. 'Cause I'm saying like Mr. Davis- there's so much he gotta catch up on and let him make his own decision. That's why I was saying it's an easy

process. Ashley just walk right in and stuff. He already aware of everything. [inaudible]...on the fourteenth.

Stephanie Thomas advised that if he wanted to resign his post on the spot, she would accept his resignation. She explained that the entire conversation was extraneous in that it was never stated that he could not be appointed by the Mayor and Council. She further explained that issue is that he cannot simultaneously serve as an elected official and appointed official in the City. Mr. Holmes declined.

Motion: Council Member Wanda Wallace moved to adopt Resolution No. 58-11-11. Council Member Kenny Ruffin offered the second. Council Member Cynthia Stamps-Jones gave the dissenting vote. The measure was adopted by a vote of 2-1.

Council Member Stamps-Jones informed Ms. Thomas that she had improperly recorded the vote.

Ms. Thomas reminded Council Member Stamps-Jones that there were only four sitting members and a vote was not required by the presiding officer.

Council Member Stamps-Jones said she had forgotten and offered an apology.

Adjournment:

There being no further business to come before Mayor and Council, the meeting adjourned at 6:39PM.